IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Crl.MC.No. 3057 of 2007()

CC.1464/2006 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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PETITIONER: 3RD ACCUSED

SHAJI, S/O.RAVEENDRAN, T.C.11/1918,
PANAYIL VEEDU, KAWDIAR, THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3057 of 2007

Dated this the 4th day of October 2007

O R D E R

The petitioner faces indictment in a prosecution for offences punishable under Section 392 I.P.C. Cognizance has already been taken. Altogether there were four accused persons. The petitioner was the third accused. As the petitioner was not available, trial against the co-accused proceeded. They have already been found not guilty and acquitted. The case against the petitioner has been split up. Coercive processes have been issued against the petitioner. Consequent to his failure to appear, the petitioner finds a warrant of arrest issued by the learned Magistrate chasing him. The petitioner has come to this court with a prayer that directions may be issued to the learned Magistrate to consider his bail application on the date of surrender itself. Further it is prayed that there may be a direction for early disposal.

2. It is for the petitioner to appear before the learned Magistrate and seek regular bail. Needless to say, such application for regular bail must be considered by the learned

Magistrate on merits, in accordance with law and expeditiously on the date of surrender itself. Thereafter, the petitioner can certainly request the learned Magistrate for an expeditious disposal of the case against him. Needless to say, further the petitioner can claim for discharge under Section 239 Cr.P.C. Such prayer of the petitioner must also be considered by the learned Magistrate on merits and expeditiously. No further or better directions appear to be necessary in the facts and circumstances of this case.

3. This Criminal Miscellaneous Case is dismissed with the above observations.

4. Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007